1946 K **File No.** O. Public Service Commission 46

Legal Dept

A. **BRANCH**

Subject:— Opinions under the Bombay Sind Public Service Commission (Conditions of service) Regulations.

G.R. 1/E)

File No. O Public Service Commission 1/46

Gen. 194 a.

480-P

Office of the R.L. A.

The questions raised for the consideration of the R.L.A. are:-

(a) Whether regulation 18 can be held to cover all cases of Secretaries of the P.S.C., whether appointed for 5 years or only officiating for a short period (during the absence of the regular incumbent of the post);

(b) If not, whether regulation 23 could be invoked in cases like the onein this file; and

(c) Whether, failing (a) and (b) above, it is necessary to add a sub-regulation (3) to regulation 18 to deal with cases like the one in the file..

Regulation 18(1) provides that the Secretary shall, if he is a member of a Bombay or Sind Provincial service, receive pay according to the time scale to which he is entitled in the Provincial service to which he belongs, subject to a minimum of Rs.750/- per month, and in addition such compensatory allowance as may be admissible to the members of a Bombay Provincial Service under the Bombay Civil Services Rules. If the Secretary is not a member of any Provincial Service, he shall receive such pay and allowance as the Governor may determine, subject to a minimum pay of Rs.750 per month. Regulation 18(2) provides that notwithstanding anything contained in clause (1) the Governor may, in any particular case, fix such pa and allowance as he in his discretion may, in special circumstances of the case think proper. There is nothing is regulation 18 to warrant a distinction being drawn between a Secretary appointed for 5 years and an officating Secretary appointed for a shorter term. Consequently, in the absence of any provision to the contrary the pay of an officiating Secretary would, it seems, be regulated by the provisions of regulation 18. In the circumstances questions 2 and 3 do not survive.

Sd/ P.N.M.
Remembrancer of Legal Affairs.

KKN.10/7/ U.O.R. to P/& S.D.No.8619, dated 30th November 1948.

SVA. 2-12

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